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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,456	09/09/2008	Darragh Curran	GB920030090US1	6045
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HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER ZONG, RUOLEI	
			ART UNIT 2441	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/562,456	Applicant(s) CURRAN ET AL.	
	Examiner RUOLEI ZONG	Art Unit 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final office action is responsive to the U.S. patent application no. 10/562,456, last response from the applicant on 09/09/2008. Claims 1-25 are pending. Claims 1-25 are rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7, 9-12, 14-18, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (Hereinafter Thompson, US Patent Application Publication 2002/0078150 A1).**

As to claim 1, **Thompson** teaches a system (*system*, **Thompson, Para. 0029, Line 2**) comprising a plurality of instant messaging client applications (*VTE clients*, **Thompson, Abstract, Line 13-14. Note that user may use VTE clients for paging, email, instant messaging in Thompson, Para. 0015; Yahoo Messenger, Thompson, Para. 0008, Line 17; NetMeeting, Thompson, Para. 0010, Line 3**) communicating via

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a computer network (*IP network*, **Thompson, Para. 0023, Line 12-13**) to send and receive messages in real time (*instant messaging*, **Thompson, Para. 0075, Line 12**) integrated with n-way teleconferencing capability (*multi-way communications sessions through a conventional conference bridge*, **Thompson, Para. 0075, Line 27-28**) via a telephone network (*Public Switched Telephone Network*, **Thompson, Para. 0016, Line 11-12**).

As to claim 2, **Thompson** teaches a system as claimed in claim 1, wherein the system comprises: a plurality of instant messaging client applications; an instant messaging server (*VTE server*, **Thompson, Abstract, Line 13**); and a teleconferencing server (*present engine*, **Thompson, Abstract, Line 14**, and a call server, **Thompson, Abstract, Line 16**); all connected via a computer network (**Thompson, Fig. 2**); wherein the teleconferencing server enables n-way telephone connections via the telephone network.

As to claim 3, **Thompson** teaches a system as claimed in claim 2, wherein the teleconference server includes communication means to send notifications to the instant messaging server of the status of telephone connections during a teleconference (**Thompson, Para. 0109**).

As to claim 4, **Thompson** teaches a system as claimed in claim 1, wherein the instant messaging client applications have graphical user interfaces (*Many packet-*

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based communications devices incorporate a graphical user interface, Thompson,

Para. 0069, Line 11-12) including means for displaying in real time details of participants of an n-way teleconference and the status of the telephone connections of the participants (**Thompson, Fig. 1; Thompson, Para. 0066**).

As to claim 5, **Thompson** teaches a system as claimed in claim 1, wherein the n-way telephone connections are to telephone apparatus of users of the instant messaging client applications (*the communications preferences information will include information detailing any types of communications in which the team member prefers to participate, along with a device identifier and/or a device address, Thompson, Para. 0095, Line 5-9. Therefore, user may use both instant message and telephone for communication.*).

As to claim 6, **Thompson** teaches a system as claimed in claim 5, wherein an additional telephone connection is to a telephone apparatus of a user who is not a user of an instant messaging client application (*the communications preferences information will include information detailing any types of communications in which the team member prefers to participate, along with a device identifier and/or a device address, Thompson, Para. 0095, Line 5-9. Therefore, user may only use instant message for communication.*).

As to claim 7, **Thompson** teaches a system as claimed in claim 4, wherein the graphical user interface includes means for indicating a participant who is talking at a given time in the teleconference, the means for indicating being activated in response to notification from the teleconference server (**Thompson, Para. 0091, Line 19-26**).

As to claim 9, **Thompson** teaches a system as claimed in claim 2, wherein the teleconferencing server uses a bridge (*multi-way communications sessions through a conventional conference bridge*, **Thompson, Para. 0075, Line 27-28**) which interfaces with the telephone network that interprets set up and control commands relating to a teleconference.

As to claim 10, **Thompson** teaches a system as claimed in claim 9, wherein the teleconference server allows the system to utilise different network interfaces (*Private Branch Exchange (PBX)* in **Thompson, Para. 0168, Line 5** and *public switched telephone network (PSTN)* in **Thompson, Para. 0142, Line 10**).

As to claim 11, **Thompson** teaches a system as claimed in claim 2, wherein the teleconference server includes an interface allowing an instant messaging client application to set up and control a teleconference (*Establishing Voice Communications Sessions*, **Thompson, Para. 0141**; *Establishing Two-Way Voice Communications Sessions*, **Thompson, Para. 0143**; *Closing the Two-Way Voice Communications Sessions*, **Thompson, Para. 0152**).

As to claim 12, **Thompson** teaches a system as claimed in claim 2, wherein the teleconference server includes a telephone profile service for retrieving and storing telephone profiles (*database 6, Thompson, Para. 0073, Line 1-2*), and a teleconference profile service for managing teleconference profiles including policy information (*if the team member wishes to participate in an important teleconference with members of one particular team, then the team member may select their "office" personal profile as their current profile for that team, and select their "unavailable" personal profile as their current profile in respect of each of the other teams, Thompson, Para. 0100, Line 5-10*), pin numbers (*the personal identifier of the user, and a password, Thompson, Para. 0087, Line 12*) and port allowances (*Note that The connection manager 52 may instantiate one or more of an HTTP proxy interface 96, a transport control protocol/internet protocol (TCP/IP) interface 98, and user datagram protocol/internet protocol (UDP/IP) interface 100 in Thompson, Para. 0080, Line 5-9, so, the port for the communication specified by the protocol is disclosed. Therefore, port allowance is disclosed.*).

As to claim 14, **Thompson** teaches a system as claimed in claim 4, wherein the graphical user interface includes means for providing a telephone number at which a participant can be connected for the teleconference (**Thompson, Para. 0096**).

As to claim 15, **Thompson** teaches a method (*method*, **Thompson, Para. 0013, Line 2**) in which a plurality of users each with an instant messaging client application (*VTE clients*, **Thompson, Abstract, Line 13-14**. *Note that user may use VTE clients for paging, email, instant messaging in Thompson, Para. 0015; Yahoo Messenger, Thompson, Para. 0008, Line 17; NetMeeting, Thompson, Para. 0010, Line 3*) communicate in real time by instant messages (*instant messaging*, **Thompson, Para. 0075, Line 12**) via a computer network (*IP network*, **Thompson, Para. 0023, Line 12-13**) and can be simultaneously connected by an n-way teleconference (*multi-way communications sessions through a conventional conference bridge*, **Thompson, Para. 0075, Line 27-28**) via a telephone network (*Public Switched Telephone Network*, **Thompson, Para. 0016, Line 11-12**).

As to claim 16, **Thompson** teaches a method as claimed in claim 15, wherein the method includes: a plurality of instant messaging applications communicating by instant messages via an instant messaging server (*VTE server*, **Thompson, Abstract, Line 13**) on a computer network; and establishing n-way telephone connections via a telephone network using a teleconferencing server (*present engine*, **Thompson, Abstract, Line 14**, *and a call server*, **Thompson, Abstract, Line 16**) on the computer network (**Thompson, Fig. 2**).

As to claim 17, **Thompson** teaches a method as claimed in claim 15, wherein a user of an instant messaging client application sets up and controls a teleconference by

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instant messaging communication with a teleconference server (*Establishing Voice Communications Sessions*, **Thompson, Para. 0141**; *Establishing Two-Way Voice Communications Sessions*, **Thompson, Para. 0143**; *Closing the Two-Way Voice Communications Sessions*, **Thompson, Para. 0152**).

As to claim 18, **Thompson** teaches a method as claimed in claim 17, wherein the user initiating the teleconference sends an instant message in the form of an invitation to proposed participants of the teleconference (**Thompson, Para. 0156**).

As to claim 20, **Thompson** teaches a method as claimed in claim 16, wherein the teleconference server notifies the instant messaging server of the status of telephone connections (**Thompson, Para. 0109**).

As to claim 21, **Thompson** teaches a method as claimed in claim 15, wherein the method includes providing graphical user interfaces (*Many packet-based communications devices incorporate a graphical user interface*, **Thompson, Para. 0069, Line 11-12**) for the instant messaging client applications including displaying in real time details of participants of an n-way teleconference and the status of telephone connections of the participants (**Thompson, Fig. 1; Thompson, Para. 0066**).

As to claim 22, **Thompson** teaches a method as claimed in claim 21, wherein the method includes activating an indication in the graphical user interface of a

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participant who is talking at a given time in the teleconference, in response to a notification sent from the teleconference server (**Thompson, Para. 0091, Line 19-26**).

As to claim 23, **Thompson** teaches a method as claimed in claim 21, wherein the method includes a user inputting a telephone number in the graphical user interface at which they can be contacted for a proposed teleconference (**Thompson, Para. 0096**).

As to claim 24, **Thompson** teaches a computer program stored on a computer readable storage medium, comprising computer readable program code means for performing the steps of: providing an instant messaging client application (*VTE clients*, **Thompson, Abstract, Line 13-14**. *Note that user may use VTE clients for paging, email, instant messaging in Thompson, Para. 0015; Yahoo Messenger, Thompson, Para. 0008, Line 17; NetMeeting, Thompson, Para. 0010, Line 3*) for communicating with other instant messaging client applications by instant messages (*instant messaging*, **Thompson, Para. 0075, Line 12**) delivered via an instant messaging server (*VTE server*, **Thompson, Abstract, Line 13**) on a computer network (*IP network*, **Thompson, Para. 0023, Line 12-13**); providing an extension to the instant messaging client application for enabling teleconferencing (*multi-way communications sessions through a conventional conference bridge*, **Thompson, Para. 0075, Line 27-28**) using a teleconferencing server (*present engine*, **Thompson, Abstract, Line 14**, and a call server, **Thompson, Abstract, Line 16**) on the computer network enabling n-

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way telephone connections via the telephone network (*Public Switched Telephone Network*, **Thompson, Para. 0016, Line 11-12**).

As to claim 25, **Thompson** teaches a computer program stored on a computer readable storage medium, comprising computer readable program code means for performing the steps of: providing a plurality of instant messaging applications (*VTE clients*, **Thompson, Abstract, Line 13-14**. Note that user may use VTE clients for paging, email, instant messaging in **Thompson, Para. 0015**; Yahoo Messenger, **Thompson, Para. 0008, Line 17**; NetMeeting, **Thompson, Para. 0010, Line 3**) communicating by instant messages (*instant messaging*, **Thompson, Para. 0075, Line 12**) via an instant messaging server (*VTE server*, **Thompson, Abstract, Line 13**) on a computer network (*IP network*, **Thompson, Para. 0023, Line 12-13**); and establishing n-way telephone connections (*multi-way communications sessions through a conventional conference bridge*, **Thompson, Para. 0075, Line 27-28**) via a telephone network using a teleconferencing server (*present engine*, **Thompson, Abstract, Line 14**, and a call server, **Thompson, Abstract, Line 16**) on the computer network (*Public Switched Telephone Network*, **Thompson, Para. 0016, Line 11-12**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Orbach et al. (Hereinafter, Orbach, US Patent Application Publication 2004/0125932 A1).**

As to claim 8, **Thompson** substantially teaches a system as set forth in claim 4 above and the graphical user interface (*Many packet-based communications devices incorporate a graphical user interface, Thompson, Para. 0069, Line 11-12*).

Thompson does not explicitly disclose wherein the graphical user interface includes means for a user to input an indication that the user wishes to speak.

However **Orbach** teaches means for a user to input an indication that the user wishes to speak (*call member 12 may then send a dual tone multi-frequency (DTMF) message when he wants to speak, Orbach, Para. 0062, Line 3-5*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use request to speak of **Orbach** on the system of **Thompson** in order to provide teleconference attendees with means for request to speak.

6. **Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Kobrosly et al. (Hereinafter Kobrosly, US Patent 7,139,379 B2).**

As to claim 13, **Thompson** substantially teaches a system as set forth in claim 1 above.

Thompson does not explicitly disclose wherein one of the instant messaging client applications is a moderator of the teleconference and has a graphical user interface including control input means for controlling the teleconference.

However **Kobrosly** teaches wherein one of the instant messaging client applications is a moderator (*host, Kobrosly, Col4, Line 61*) of the teleconference and has a graphical user interface (**Kobrosly, Fig. 3**) including control input means for controlling the teleconference (*scheduling with these attendees, Kobrosly, Col4, Line 65*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use meeting scheduling of **Kobrosly** on the system of **Thompson** in order to monitor and moderate the teleconference.

As to claim 19, **Thompson** substantially teaches a method as set in claim 15 above and wherein non-users of instant messaging applications (*the communications preferences information will include information detailing any types of communications in which the team member prefers to participate, along with a device identifier and/or a device address, Thompson, Para. 0095, Line 5-9. Therefore, user may only use instant message for communication.*) can also participate in the n-way teleconference by being dialled in by another participant (*The invitation is optional and is not used, for example, when the third party's available communications device is a cellular phone or the third party is not logged on to a VTE client, Thompson, Para. 0156*).

Thompson does not explicitly disclose wherein non-users of instant messaging applications can also participate in the n-way teleconference by dialling in themselves or being dialled in by another participant.

However **Kobrosly** teaches wherein non-users of instant messaging applications can also participate in the n-way teleconference by dialling in themselves (*As the attendees begin to dial into the teleconference, Kobrosly, Col. 5, Line 20*) or being dialled in by another participant.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use meeting scheduling of **Kobrosly** on the method of **Thompson** in order to monitor the teleconference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUOLEI ZONG whose telephone number is (571)270-7522. The examiner can normally be reached on 8:30 AM - 6:00 PM, 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WING F. CHAN can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. Z./

Examiner, Art Unit 2441

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2441